

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

(Write the District and Division, if any, of the
court in which the complaint is filed.)

JAMES AARON LOWE

16-3385-CV-S-MDH-P

Complaint for Violation of Civil
Rights
(Prisoner Complaint)

(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

Case No. _____
(to be filled in by the Clerk's Office)

-against-

CITY OF BRANSON MISSOURI
FORMER CHIEF OF POLICE CRUTCHER (Branson)
BPD OFFICER TRAVIS ROSS

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)

*SEE ATTACHED ON BACK

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. ☒ Yes ☐ No

BPD SGT KINGSBERRY

BPD OFFICER CALIB TIEG

BPD OFFICER FRANK HIAHARA

FORMER MAYOR OF BRANSON REAUN PRESLEY

CITY OF HOLLISTER MISSOURI

OFFICER JASON FLOWERS (HOLLISTER MISSOURI)

B.P.D. SGT GREEN

HOLLISTER POLICE CHIEF

B.P.D. OFFICER GAMBLE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name JAMES AARON LOWE

All other names by which you have been known:

ID Number 03545

Current Institution TANEY COUNTY JAIL

Address P.O. Box 1005
FORSYTH MO

B. The Defendant(s)

- Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation.
- Make sure that the defendant(s) listed below are identical to those contained in the above caption.
- For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both.
- Attach additional pages if needed.

Defendant No. 1

Name MR CRUTCHER

Job or Title
(if known) BRAUN POLICE CHIEF

Shield Number

Employer CITY OF BRAUN

Address 110 W. MADDOX ST
BRAUN MO 65616

☐ Individual capacity

☒ Official capacity

Defendant No. 2

Name

TRAVIS ROSS

Job or Title
(if known)

POLICE OFFICER

Shield Number

Employer

CITY OF BRANSON

Address

110 W. MADDOX ST
BRANSON MO 65616

☐

Individual capacity

☒

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐

Federal officials (a *Bivens* claim)

☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights.

What federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

ASSULT, HARASSMENT, DEPRIVATION
OF LIBERTY, RIGHT TO FAIR TRIAL

Defendant NO. 3

City of Branson Missouri

110 W. Maddux ST

Branson Mo ~~65616~~ 65616

Defendant NO. 4

Branson Police Department
And Unknown officers

110 W. Maddux ST

Branson Mo 65616

Defendant NO. 5

SGT KINGSBERRY

Branson Police
Department

Unknown Badge #

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?
- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Don or about 10/20/14 to officer Travis Ross of the Branson Police Department maliciously assaulted me by tazing me. This officer on multiple occasions has threatened and harassed me. Video evidence of this tazing incident was tampered with by the audio portion of the video being deleted resulting in additional harm being brought upon me by not being able to defend against charges brought against me. It is my

assertion that officer Travis Ross as well as SGT Kingsberry and others conspired to tamper with evidence in order to cover up ~~an~~ wrong doing by the Branson Police Department as well as manufacture evidence to support criminal charges brought against me.

2) On or about 5/2016 SGT Kingsberry and an unknown officer of the Branson Police Department knowingly omitted critical evidence from a witness statement in a Probable Cause report to the Taney County Prosecutors office in order to have charges brought against me. Charges were brought ~~that~~ I was arrested and charged with a felony that was later dismissed at the Preliminary Hearing after the omitted evidence was heard by Judge Waters of the State of Missouri.

3) On or about 3/2014 officer Calib Tieg of the Branson Police Department brought fictitious charges against me in order to harass and threaten me. At the end of the interrogation he told me if I was "ready to drop my civil law suit against George Shipman yet?"

4) on or about 2014 the Branson Police Chief instructed his department to "Mess with Me as Much as they Possibly Can Resulting in unlawful arrests, harassment, deprivation of Liberty, Physical harm and Mental problems. ~~Officer~~

5) Sometime in 2014 officer

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Physical Injuries, Contusions, Pain
Lost for medical treatment and
was denied.

Loss of Liberty, Loss of Personal
Possessions due to unlawful
incarceration. Harassment and
defamation of Character.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Approximately \$500⁰⁰ in personal possession
lost and 1 Million Dollars in
Punitive damages

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes
☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes
☐ No
☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes
☐ No
☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes
☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐
☐

Yes
No

E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance? *(Attach a copy of your grievance, if available)*

3. What was the result, if any? *(Attach a copy of any written response to your grievance, if available)*

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes
☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- _____
- _____
- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes
☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes
☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☐ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐

Yes

☐

No *(If no, give the approximate date of disposition):*

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8/27, 2016.

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City State Zip Code

J. Aaron Lowe
JAMES AARON LOWE
03545
P.O. BOX 190
FORSYTH MO 65653

JAMES A LOWE # 03545
TAYLOR COURT ILL
PO Box 1005
WESTTA MO
65853

U.S. SC
CORRESPONDENCE
FROM A
CORRECTIONAL FACILITY



CLERKS OFFICE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
1400 U.S. COURTHOUSE
222 JOHN D HAMMONS PLAZA
SPRINGFIELD MO
65806

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